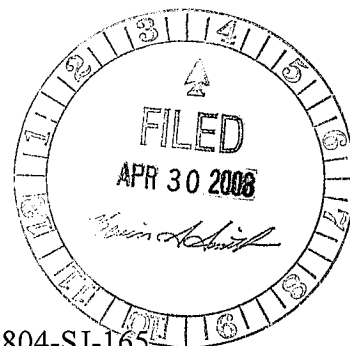


In the  
**Indiana Supreme Court**



Jerry Joe FUENTES  
Plaintiff

vs.

STATE of Indiana  
Defendant

) Supreme Court No. 79S00-0804-SJ-165  
)  
)

) Case No. 79C01-0503-MR-2  
)

) in the Tippecanoe Circuit Court  
)

ORDER REMANDING JURISDICTION TO TRIAL COURT

Comes now the Honorable Donald L. Daniel, Special Judge in the above matter, and pursuant to Ind. Criminal Rule 13(D), certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Tippecanoe Circuit Court and Special Judge Daniel. Judge Daniel's Order requesting this Court to appoint a special judge does not establish any particular circumstance warranting an appointment by this Court, nor does it establish why an appointment cannot be made pursuant to Ind. Criminal Rule 13(C).

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the Tippecanoe Circuit Court and Judge Daniel to either: 1) make an appointment of a special judge pursuant to Ind. Criminal Rule 13(C), or 2) establish particular circumstances warranting an appointment by this Court and recertify the matter to this Court.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Donald L. Daniel, Tippecanoe Circuit Court, 301 Main Street, Lafayette, IN 47901-1354, and to the Clerk of the Tippecanoe Circuit Court.

The Clerk of the Tippecanoe Circuit Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this 30<sup>th</sup> day of April, 2008.

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Randall T. Shepard  
Chief Justice of Indiana